

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIE C. GREENE,

Plaintiff,

v.

No. CV 18-694 KWR/CG

CORRECT CARE SOLUTIONS, et al.,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on review of the record. On June 22, 2020, the Court ordered service on Defendants Sergeant FNU Benavidez, Head Nurse Denise Viallinda, and Officer Brian Stanford. (Doc. 12 at 3). Service was effectuated on each named Defendant on June 22 and June 23, 2020, at the address listed in Plaintiff Willie Greene's Complaint. On July 6 and July 23, 2020, however, the mail was returned as undeliverable. (Doc. 14); (Doc. 15); (Doc. 16).

On August 13, 2020, the Court ordered Mr. Greene to provide a correct mailing address for service of the named Defendants Sergeant FNU Benavidez, Head Nurse Denise Viallinda, and Officer Brian Stanford, no later than September 14, 2020. (Doc. 17). Mr. Greene has not timely provided a correct mailing address, or good cause for the failure to provide a correct mailing address, and the Court therefore must recommend dismissal. Fed. R. Civ. P. 4(m). See also *Washington v. Correia*, 546 Fed. App'x 786, 789 (10th Cir. 2013) ("[T]he onus [is] squarely on plaintiffs to track down the whereabouts of defendants" so that the Court can "effectuate service,... even when the plaintiffs are in prison.").

On June 22, 2020, the Honorable Kea W. Riggs referred this matter to the undersigned to issue findings of fact, conduct legal analysis, and recommend an ultimate disposition. (Doc. 13). The Court, having reviewed the parties' filings and the controlling

law, **RECOMMENDS** Plaintiffs' Complaint, (Doc. 1), be **DISMISSED**.

IT IS SO ORDERED.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE